

REMARKS

Claims 1-14 are pending in this application. Claims 1-14 were rejected. Applicants respectfully respond to the Office Action.

Claim Rejections under 35 U.S.C. § 101

Claims 1-14 were rejected under 35 U.S.C. § 101 because the claims were not supported by either a specific asserted utility or a well established utility. Applicants respectfully disagree and have amended claims 1-14 to overcome this rejection.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 1-14 were rejected under 35 U.S.C. § 112, first paragraph because the claimed invention was not supported by either a specific asserted utility or a well established utility, and one skilled in the art would not know how to use the claimed invention. Applicants respectfully disagree and have amended claims 1-14 to overcome this rejection.

Claims Rejections under 35 U.S.C. § 102

Claims 1-14 were rejected as being anticipated by European Patent EP 0913957 to Cao (hereinafter "Cao"). This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that claims 1-14 are not anticipated by Cao for the reasons and explanations set forth below.

With respect to claim 1, Applicants respectfully submit that Cao does not teach or suggest all of the limitations of amended claim 1. In particular, Cao does not disclose “repeating step (B) until a sum of the symbol energy amounts used to transmit the traffic information initially transmitted with insufficient symbol energy for correct demodulation is great enough to permit correct demodulation by the mobile station”.

Cao discloses power control for a mobile wireless communication system (Title). The method discloses a power control mechanism for controlling signal strength in a mobile wireless communication system which communicates, at least initially, over different channels. (Abstract) My measuring the signal-to-interference ration in signals received by a receiving station and returning that information to the transmitting station, an indication of appropriate power levels at which to transmit subsequent signals is provided. (Abstract) In particular, Cao is directed toward setting an initial power at which signals to and from mobile end-user devices and a fixed base station should be transmitted. (Col. 1, paragraph 0001) The Examiner cites Cao at col. 1, paragraph 0002 as disclosing:

- (A) intentionally transmitting traffic information from the base station with a first symbol energy amount that is insufficient for correct demodulation of the traffic information by a mobile station;
- (B) after step (A), retransmitting the traffic information initially transmitted with the first symbol energy amount from the base station to the mobile station, wherein the traffic information is retransmitted in step (B) with a further symbol energy amount that is also insufficient by itself for correct demodulation of the traffic channel information by the mobile station.

Applicants respectfully disagree that Cao discloses the above elements. The cited paragraph reads:

In existing systems, a mobile end-user device seeking to initiate communication with a base station broadcasts a request signal at increasing power levels until acknowledged by the base station. Likewise, a base station pages a mobile end-user device at increasing power levels until the end-user device responds. In each situation, one broadcasting station in the communication system ramps the power until a reasonable SNR is achieved by the second receiver. This ramping of power can lead to a signaling exchange procedure which can take some time, since typically each station is broadcasting over a different channel (particularly in cellular radio telephone systems). It can also lead to interference between mobile end-user devices and to a loss of signal quality of other users of the wireless communication system.

Applicants respectfully submit that Cao is silent regarding “intentionally transmitting traffic information from the base station with a first symbol energy amount that is insufficient for correct demodulation”. Cao discloses repeated paging at increasing power levels in order to determine a power level for conducting the communication.

Furthermore, with respect to amended claim 1, Applicants respectfully submit that Cao also does not disclose the following limitation of amended claim 1. In particular, Cao does not disclose “(C) repeating step (B) until a sum of the symbol energy amounts used to transmit the traffic information initially transmitted with insufficient symbol energy for correct demodulation is great enough to permit correct demodulation by the mobile station”. Therefore, Applicants respectfully request that the rejection of amended claim 1 be withdrawn.

Claims 3-11 are allowable as depending directly or indirectly from an allowable base claim.

Claim 12 is allowable for the same reasons given above for amended claim 1.

Claim 13 is allowable for the same reasons given above for amended claim 1.

Claim 14 is allowable for the same reasons given above for amended claim 1.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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